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PTO/SB/64 (01-08)
Approved for use through 07/31/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)	Docket Number (Optional) VIR-021011CO01
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First named inventor: Frank B. Gelder

Application No.: 10/695,112

Art Unit: 1648

Filed: October 28, 2003

Examiner: Jeffrey S. Parkin

Title: COMPOSITIONS AND METHODS FOR TREATING VIRAL INFECTIONS

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☒ Small entity-fee \$ 770.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of CD containing the sequence listing in ASCII text format (identify type of reply):

- ☒ has been filed previously on January 8, 2008
- ☐ is enclosed herewith.

07/15/2008 EFLORES 00000018 10695112

B. The issue fee and publication fee (if applicable) of \$ 01 FC:2453

770.00 OP

- ☐ has been paid previously on _____
- ☐ is enclosed herewith.

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This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.


Signature

7/10/08
Date

Nicholas S. Lee
Typed or printed name

54260
Registration Number, if applicable

1327 W. Washington Blvd., Suite 5G/H
Address

312-226-1818
Telephone Number

Chicago, IL 60607
Address

Enclosures: ☒ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unintentional delay

☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

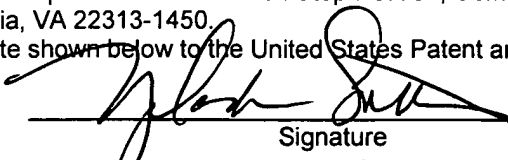
I hereby certify that this correspondence is being:

☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

July 10, 2008

Date


Signature

Yolanda Solis
Typed or printed name of person signing certificate



**IN THE
UNITED STATES
PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF: Frank Gelder

CASE: VIR-021011CO01

SERIAL NO.: 10/695,112

FILED ON: October 28, 2003

FOR: COMPOSITIONS AND
METHODS FOR
TREATING VIRAL
INFECTIONS

**PETITION TO
REVIVE UNDER
37 C.F.R. § 1.137(b)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

ATTENTION OF:
A.U. 1648
EXAMINER:
Jeffrey S. Parkin

Dear Sir:

If any charges or fees must be paid in connection with the following communication, they may be paid out of our Deposit Account No. 50-0545.

This is in response to the Notice of Abandonment mailed December 31, 2007, and the subsequent petition under 37 C.F.R. 1.181, which the Office of Petitions later denied on May 27, 2008. Applicant requests withdrawal of the holding of abandonment of the present application under 37 C.F.R. § 1.137(b). Please consider the following remarks towards revival of the application.

Attachment: PTO/SB/64 form, and the petition fee.

FACTOR & LAKE, LTD.
1327 W. Washington Blvd., Suite 5G/H
Chicago, IL 60607
312-226-1818 Telephone
312-226-1919 Facsimile

Jody L. Factor, Reg. No. 34,157
Micheal D. Lake, Reg. No. 33,727
Joseph M. Kinsella Jr, Reg. No. 45,743
Nick S. Lee, Reg. No. 54,260

REMARKS

The present application has been deemed abandoned by the Patent and Trademark Office on the basis that Applicant's May 17, 2007 Response to the Notice to Comply mailed by the Patent and Trademark Office on April 17, 2007 was not fully responsive in that the computer readable form of the Sequence Listing, which was submitted on a CD along with the May 17, 2007 Response, was not saved in American Standard Code for Information Interchange ("ASCII") text format. Unintentionally, the file was saved on ".prj" file. Therefore, after the final date to respond had expired, the Examiner abandoned the application.

On January 8, 2008, Applicant requested withdrawal of the holding of abandonment of the present application under 37 C.F.R. Sec 1.181. On May 27, 2008, however, the Office of Petitions denied the petition on the basis that the CD filed on May 17, 2007 is not identical to the CD filed with the petition, *i.e.*, the CD filed on May 21, 2007 was in ".prj" file, whereas the CD resubmitted on January 8, 2008 was in ASCII text format.

Pursuant to 37 C.F.R. § 1.137(b), therefore, Applicant submits that the entire delay in filing the required reply to the April 17, 2007 Notice was unintentional. The CD submitted with the petition was taken from the same directory as the CD filed on May 17, 2007. Indeed, the file on the CD submitted with the petition is in ASCII text format. Thus, Applicant believes that it took necessary steps to ensure that the CD submitted on May 17, 2007 was in ASCII text format. Unfortunately, that was not the case. Applicant cannot determine how the file on the CD submitted on May 17, 2007 was in ".prj" file. In any event, Applicant reiterates that the Sequence Listing stored in the CD submitted with the petition is identical to the written Sequence Listing submitted back in May 17, 2007.

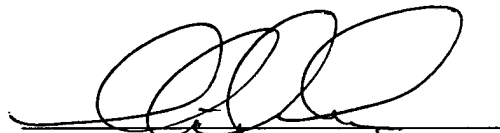
Pursuant to 37 C.F.R. § 1.137(b), Applicant submits the completed PTO/SB/64 petition form, and the petition fee. Applicant has already submitted the CD in ASCII text format back in January 8, 2008.

In view of the foregoing, Applicant respectfully requests the withdrawal of the holding of abandonment, and subsequent revival of the present application

Should anything further be required, a telephone call to the undersigned at (312) 226-1818 is respectfully requested.

Respectfully submitted,

Dated: July 10, 2008



Nick S. Lee, Esq.
(Reg. No. 54,260)
One of Attorneys for Applicant

